

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 22, 2017

The Bismarck Planning & Zoning Commission met on March 22, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Susan Axvig, Brian Bitner, Mike Donahue, Doug Lee, Gabe Schell, Mike Schwartz, Mike Seminary and Wayne Yeager.

Commissioners Vernon Laning and Lisa Waldoch were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Will Hutchings – Planner, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Hilary Balzum – Community Development Administrative Assistant, Jason Hammes – Assistant City Attorney and Charlie Whitman – City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the February 22, 2017 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the February 22, 2017 meeting, as presented. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

CONSIDERATION

A. LAST CHANCE SUBDIVISION – PRELIMINARY PLAT AND ZONING CHANGE

Chairman Yeager called for consideration of the following consent agenda item:

A. Last Chance Subdivision – Preliminary Plat and Zoning Change

MOTION: Commissioner Seminary made a motion to approve consent agenda item A granting tentative approval and calling for a public hearing on the item as recommended by staff. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

CONTINUED PUBLIC HEARING –FINAL PLAT FREEDOM RANCH SUBDIVISION

Chairman Yeager called for the continued public hearing on the final plat for Freedom Ranch Subdivision. The proposed plat is one lot on 13.21 acres and is located northwest of Bismarck, west of River Road, south of Sandy River Drive and approximately 650 feet south of the termination of Fernwood Drive.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat.
7. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
8. The proposed subdivision is consistent with the general intent and purpose of the zoning Ordinance.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the final plat of Freedom Ranch Subdivision.

Chairman Yeager opened the public hearing.

Mike Voigt, Bismarck Rural Fire Department (BRFD) Fire Chief, said he met with the chief officers in his department regarding this subdivision and submitted comments to staff. He said he is concerned about the inadequate access for emergency services both to and within the property as proposed. He added that Hay Creek Township has recommended to proceed with the request and the BRFD can work around the issues if needed, but emphasized it would not be wise to move this request forward as proposed because of these access issues.

Commissioner Schell asked if the issues are related to the location and the route or the structure of the roadways. Mr. Voigt said it is a combination of both of those items. He said he understands it is an unimproved road and there was a recent incident that occurred because the private access used was not designed for the use of emergency services. He said BRFD may not be able to provide emergency services and fire suppression in a timely manner if the roads are in poor condition.

Commissioner Lee asked for more information on any other concerns presented to staff. Mr. Voigt said, based on the proposed layout, houses would be addressed off of Sandy River Drive. He said it is likely that their computer service would generate a route that is not well delineated, which causes emergency services to be guided incorrectly. He said this area is also prone to water issues and with the development of the continuation of Fernwood Drive being some ways off, they are trying their best to prevent property losses.

Commissioner Bitner said that he thought City staff had addressed the access issues and asked if the County Engineer, Marcus Hall, has been consulted as well. Mr. Voigt said they have not had a chance to meet with Mr. Hall but these roads will not work for emergency service vehicles without meeting some higher standards.

Commissioner Bitner asked if a meeting can be arranged to discuss the roadway standards. Ms. Lee said the road, as of now, is a private access easement so it is a complicated situation because it is on property owned by the applicant and the adjoining property owners. She said there is one off-site owner and Planning staff did recommend improving the roadway as an advisory matter.

Commissioner Bitner said there could be an issue if the property is sold and the new owner is unaware of the access and emergency service issues.

Commissioner Lee said this is clearly a problem for emergency services and asked if anybody has suggestions.

Mr. Voigt said he could have a conversation with Central Communications on their needs regarding this situation as well.

Ms. Lee said the addressing of the properties was discussed with City-County staff and they are trying to resolve a way to better locate properties for emergency service routes and are

also going to be attending a future meeting with Hay Creek Township representatives and impacted property owners.

Commissioner Seminary said time is essential for emergency personnel and asked if it would cause a hardship to the applicant if the request is delayed further to allow more time to rectify the emergency vehicle access and roadway issues.

Landon Niemiller, Swenson, Hagen & Co., said they are aware of the conditions of the road and the plan is to only have one property developed at this location with one of them being closer to the main point of access to the subdivision. He said the owner knew it would take some time to resolve everything, but would like to start building as soon as possible.

Chairman Yeager asked if it is foreseeable that the owner would upgrade the roadway. Mr. Niemiller said it is not likely as Fernwood Drive would eventually be a section line roadway.

Commissioner Bitner said he is not comfortable adding to an already existing problem.

Commissioner Lee asked if there is a way to make an approval of a subdivision contingent upon the owner improving the roadway to the satisfaction of the Bismarck-Rural Fire Department, as well as the implementation of appropriate street signage.

Mr. Niemiller said that is an option they would be willing to explore.

Commissioner Donahue said he thinks these problems should be sorted out and then bring the request back for a final decision.

Commissioner Bitner said he feels it is in everybody's best interest to hear from County Engineer Marcus Hall as well, because it is a roadway issue.

Commissioner Donahue said, having served on the Fargo Police Department, he has seen firsthand the issues of having to search for an address when there is an emergency and it can be a very bad situation.

Commissioner Seminary said Hay Creek Township has acknowledged the private access and the need for signage and thinks their focus should be on those things as well. He asked if signage in a very general location would make a large difference in being able to adequately navigate to properties.

Mr. Voigt said adequate signage can make a huge difference when information is being communicated from Central Communications.

Chairman Yeager asked if an example can be given of an instance where a landowner had a road that was not to standard and were warned of the problems it could cause. Mr. Voigt said they try to leave it to the various Commissions to handle concerns at that stage in the process and then go by what is approved. He said it makes people uneasy when an issue is foreseeable and they try to do right by the safety needs of everybody.

Quirin Friese, Hay Creek Township, asked if a requirement is put on the approval of the subdivision of the private drive having to be improved, will that mean all of them within the township would have to be improved as well. He said there is a lot of private drives that would have to be brought to County standards if that is the case.

Commissioner Bitner said there needs to be a point where a drive passes private and becomes public. He said there being access to three homes to him no longer constitutes a private drive.

Commissioner Axvig asked who handles snow removal on the private drives. Mr. Friese said maintenance and snow removal on the township roads is contracted through Burleigh County, but they have nothing to do with any of the private roads.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Lee said they have an obligation to protect the public and there seems to be some ongoing issues with this request. He said he does not want to tell people what to do on their own property, but if there is going to be more than one home it needs to be adequately protected. He said there needs to be a conditional approval with the requirement of roadway improvements or the request needs to be denied.

Commissioner Bitner said the issues presented cross a lot of various staff and departments as well as Hay Creek Township, and in order to waive any development standards it would have to remain a single residence. He said he would like to see the request be continued to allow more time to resolve the issues presented.

Commissioner Atkinson asked if they can require development of the section line road of Fernwood Drive. Commissioner Lee said they should not dictate private roads and cannot allow putting residents and first responders at risk.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to continue action on the final plat of Freedom Ranch Subdivision to the April 26th meeting, to provide time for County and City staff to review outstanding public safety concerns. Commissioner Bitner seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

FINAL CONSIDERATION - ANNEXATION PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT EAGLE CREST SEVENTH ADDITION

Chairman Yeager called for the public hearing on the final plat; the zoning change from the A-Agricultural zoning district to the R5-Residential zoning districts; and final consideration of the annexation of Eagle Crest Seventh Addition. The proposed plat is 14 lots in two

blocks on 5.9 acres and is located in northwest Bismarck, west of East Valley Drive and approximately 200 feet west of High Creek Road.

Mr. Nairn gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn then gave the findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer.
5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on the above findings, staff recommends approval of the annexation, zoning change from the A – Agricultural to the R5 – Residential zoning district, and the final plat for Eagle Crest Seventh Addition, including the granting of a waiver to allow the use of a cul-de-sac and with the condition that a stormwater and drainage easement is

recorded west of the plat for an erosion control berm, as noted in the March 7th stormwater management approval letter, prior to recordation of the final plat.

Commissioner Seminary asked if the owner is aware of the condition regarding the stormwater and drainage easement. Mr. Nairn said the owner is aware.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the annexation, the zoning change from the A – Agricultural to the R5 – Residential zoning district, and the final plat for Eagle Crest Seventh Addition, including the granting of a waiver to allow the use of a cul-de-sac and with the condition that a stormwater and drainage easement is recorded west of the plat for an erosion control berm, as noted in the March 7th stormwater management approval letter, prior to recordation of the final plat. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT EDGEWOOD VILLAGE SEVENTH ADDITION FIRST REPLAT

Chairman Yeager called for the public hearing on the minor subdivision final plat and the zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Edgewood Village Seventh Addition First Replat. The proposed plat is 16 lots in one block on 4.52 acres and is located in northeast Bismarck, between 43rd Avenue NE and East Calgary Avenue along the west side of Nebraska Drive.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the zoning change:

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Hutchings then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The requirement to provide a stormwater management plan has been waived by the City Engineer.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and approval of the minor subdivision final plat for Edgewood Village Seventh Addition First Replat.

Commissioner Seminary asked if the requests are in order to develop twinhomes. Mr. Hutchings said that is correct, that there could be eight twinhomes or 16 units within the plat.

Chairman Yeager opened the public hearing.

Jason Petryszyn, Swenson, Hagen & Co., said the owner wants to change to a zoning district that would support larger twinhomes and, with the school located across the street, the existing square footage of the lots was difficult to work with. He said the planned design

concept has been popular in other locations because of the implementation of side-loaded garage access. He said this helps reduce the number of individual driveways on the street.

Additional written comments in opposition to this request are attached as Exhibit A.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Schell said this concept would function better because of the reduced number of access points on the street, which is a collector roadway.

Commissioner Lee said he opposed the change in density with so much of this area already being developed. He said the public needs to have something to rely on and changing the zoning now seems unfair to the existing residents.

Chairman Yeager asked for an explanation of the zoning map and what is adjacent to this property.

Mr. Hutchings said the area to the southwest has developed like a single-family density zoning district, but is actually zoned R10-Residential as well.

Commissioner Donahue said he would vote in favor of denying these requests.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to deny the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and the minor subdivision final plat for Edgewood Village Seventh Addition First Replat. Commissioner Lee seconded the motion and the request was denied with Commissioners Axvig, Bitner, Donahue, Lee, and Schwartz voting in favor of the motion. Commissioners Atkinson, Schell, Seminary and Yeager opposed the motion.

PUBLIC HEARING – FINAL PLAT GIBBS SUBSTATION SUBDIVISION

Chairman Yeager called for the public hearing on the final plat for Gibbs Substation Subdivision. The proposed plat is one lot on 11.44 acres and is located east of Bismarck, along the south side of 43rd Avenue NE, in the southwest quadrant of the intersection of 43rd Avenue NE and 80th Street NE.

Mr. Hutchings gave an overview of the request, including the following findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Gibbs Township Board of Supervisors has recommended approval of the proposed final plat.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the final plat for Gibbs Substation Subdivision.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the final plat of Gibbs Substation Subdivision. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

PUBLIC HEARING – MAJOR PUD AMENDMENT SOUTHPORT PHASE II

Chairman Yeager called for the public hearing on a major PUD amendment for Southport Phase II to allow the conversion of the two-story portion of The Pier building from an office use back to a restaurant/bar use. The property is located in southwest Bismarck, along the west side of Riverwood Drive south of Bismarck Expressway.

Ms. Lee gave an overview of the request, including the following findings related to land use:

1. The proposed amendment is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed amendment is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed.
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner.
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located.
6. The amended planned unit development would preserve the natural features of the site inasmuch as possible, including the preservation of trees and natural drainage ways.
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated.
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings contained in the staff report, staff recommends approval of the major Planned Unit Development (PUD) amendment for the Southport Phase II PUD relating to the use of The Pier building, as outlined in the draft amendment document.

Ms. Lee added that she did receive two calls from nearby property owners who support the request.

Chairman Yeager opened the public hearing.

Neal Galpin, Galpin Entertainment, LLC, said they are the new owners of the property and just wanted to introduce themselves and answer any questions.

Commissioner Lee asked when they expect to be open to the public. Mr. Galpin said they would like to open as soon as possible.

Commissioner Donahue said he would like to recuse himself from voting on this request.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the major Planned Unit Development (PUD) amendment for the Southport Phase II PUD relating to the use of The Pier building, as outlined in the draft PUD amendment document. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Bitner, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion. Commissioner Donahue abstained.

Commissioner Bitner excused himself from the meeting at this time.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-THROUGH SERVICE)
LOT 46, BLOCK 2, SONNET HEIGHTS SUBDIVISION FIRST REPLAT**

Chairman Yeager called for the public hearing on a request for a special use permit for a drive-through oil change facility in conjunction with a tire repair business (Tires Plus) to be located on Lot 46, Block 2, Sonnet Heights Subdivision First Replat. The property is located in north Bismarck, west of US Highway 83 between Canada Avenue and East Lasalle Drive along the west side of Ottawa Street.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit for the construction and operation of a drive-through oil change facility on Lot 46, Block 2, Sonnet Heights Subdivision First Replat, with the following condition:

1. The development of the site must generally conform to the site plan submitted with the application.

Chairman Yeager opened the public hearing.

Wayne Hatzenbuhler, 1951 Oakland Drive, said he owns a condo to the south of this property on East LaSalle Drive and is concerned that there would not be enough parking provided. He said the new Sky Zone facility across the street has problems with insufficient parking and does not want to see that happen here.

Chairman Yeager asked if the parking has been reviewed and if the requirements are being met.

Jason Petryszyn, Swenson, Hagen & Co., said the site plan for the property is currently under review by City staff and it has been determined that the number of parking spaces does meet the requirements of the zoning ordinance, plus a couple of extra spaces as there was room for them.

Commissioner Seminary asked if it is anticipated that overflow parking would be used for extra parking, if needed.

Mr. Petryszyn said the parking on-site should be enough to accommodate employees as well as patrons.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit to allow the construction and operation of a drive-through oil change facility on Lot 46, Block 2, Sonnet Heights Subdivision First Replat, with the following condition: 1. The development of the site must generally conform to the site plan submitted with the application. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Lee, Schell, Schwartz, Seminary and Yeager voting in favor of the motion.

OTHER BUSINESS

PUBLIC HEARING PROCEDURES AND PROTOCOL - DISCUSSION

Ms. Lee asked if anybody has suggested changes to the information on this item that was provided at the last meeting. She said Commissioner Schell asked for a general timeline of when the changes would be made and can implement suggestions to be put into a final draft to be presented at the April 26th meeting.

Commissioner Schell asked what the general plan is for making the public hearing procedures and protocol available to the general public.

Ms. Lee said she envisions including them in the meeting packets and on the City website.

Commissioner Lee said he appreciates the time staff has spent on this improvement, as well as the added value it could bring to their process.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:01 p.m. to meet again on April 26, 2017.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman